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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 23rd December, 1969:—

BILL No. XXXI of 1969

A Bill to enhance the amount or value of the subject-matter of dispute for purposes of civil appellate jurisdiction of the Supreme Court, and further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Supreme Court (Enhancement of Valuation for Civil Appellate Jurisdiction) Act, 1969.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) On and from the commencement of this Act, for the purposes of an appeal to the Supreme Court under sub-clause (a) or sub-clause (b) of clause (1) of article 133 of the Constitution,—

Enhancement of valuation for civil appellate jurisdiction of the Supreme Court.

(a) the amount or value of the subject-matter of the dispute referred to in the said sub-clause (a) shall be not less than one lakh rupees instead of twenty thousand rupees;

(b) the judgment, decree or final order referred to in the said sub-clause (b) shall involve directly or indirectly some claim or question respecting property of the like amount or value.

(2) Save as aforesaid, the provisions of article 133 of the Constitution shall apply in relation to any such appeal as they apply in relation to an appeal under that article to the Supreme Court before the commencement of this Act.

Amend-
ment of
Act 5 of
1908.

3. In section 110 of the Code of Civil Procedure, 1908, for the words "twenty thousand rupees", the words "one lakh rupees" shall be substituted.

Continu-
ance of
certain
proceed-
ings.

4. (1) Nothing in this Act shall affect any appeal under sub-clause (a) or sub-clause (b) of clause (1) of article 133 of the Constitution, which, on the commencement of this Act, is pending before the Supreme Court, and every such appeal may be heard and disposed of by the Supreme Court as if this Act had not been passed.

(2) Without prejudice to the provisions of sub-section (1), no appeal from any judgment, decree or final order referred to in sub-clause (a) or sub-clause (b) of clause (1) of article 133 of the Constitution arising out of a civil proceeding pending in any court at the commencement of this Act, shall be entertained and disposed of by the Supreme Court, unless such appeal satisfies the provisions of section 2.

STATEMENT OF OBJECTS AND REASONS

The Law Commission has pointed out that while in criminal matters the appellate jurisdiction of the Supreme Court under article 134 of the Constitution is limited, in civil matters it has been made the Court of final appeal in comparatively small cases mentioned in sub-clauses (a) and (b) of clause (1) of article 133. Prior to the commencement of the Constitution, the minimum amount for appeal to the Privy Council under sections 109 and 110 of the Code of Civil Procedure, 1908 was fixed at Rs. 10,000 and it remained unaltered for many years. The proposal to increase the pecuniary limit for civil appeals to the Supreme Court from Rs. 10,000 to Rs. 20,000 was made at the time of drafting the Constitution, primarily on the ground that what was worth Rs. 10,000 in pre-war days was then worth double that amount or even more. Since the commencement of the Constitution the value of the rupee has further depreciated considerably. It is, therefore, considered that the pecuniary limit for civil appeals to the Supreme Court be raised from Rs. 20,000 to Rs. 1,00,000. This would go a long way in reducing the arrears and accumulations of civil appeals in the Supreme Court.

The Bill is intended to achieve that object.

NEW DELHI;
The 15th December, 1969.

P. GOVINDA MENON

B. N. BANERJEE,
Secretary.

